

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C 10/13/04 Item No.: 3.b.

File Number
CP04-045

Application Type
Conditional Use Permit

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
259-40-013

PROJECT DESCRIPTION

Completed by: F. Lee Butler

Location: Southwest corner of South San Pedro and Post Streets

Gross Acreage: 0.11

Net Acreage: 0.11

Net Density: n/a

Existing Zoning: DC Downtown
Primary Commercial District

Existing Use: Existing vacant commercial building

Proposed Zoning: No change

Proposed Use: Conditional Use Permit to allow a public eating establishment, drinking establishment, entertainment establishment, and late-night use in an existing commercial building

GENERAL PLAN

Completed by: LB

Land Use/Transportation Diagram Designation
Core Area

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: LB

North: Surface Parking Lot

DC Downtown Primary Commercial

East: Commercial/Office

DC Downtown Primary Commercial

South: Surface Parking Lot

DC Downtown Primary Commercial

West: Surface Parking Lot

DC Downtown Primary Commercial

ENVIRONMENTAL STATUS

Completed by: LB

☐ Environmental Impact Report adopted
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete
☒ Addendum to Downtown Strategy Plan EIR (Resolution No. 68839 on April 27, 1999)

FILE HISTORY

Completed by: LB

Annexation Title: Original City

Date: March 27, 1850


PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☒ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date:

10-6-04

Approved by:


☒ Action
☐ Recommendation

CONTACT / APPLICANT / OWNER	ADDITIONAL OWNER	
Dan Doherty 741 N. 18 th St. San José, CA 95113	David McIntosh 6897 Hishland Rd. Granite Bay, CA 95746	

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LB

Department of Public Works

- No comments.

Other Departments and Agencies

- Police Department, Fire Department, and Environmental Services Department (See Attached)

GENERAL CORRESPONDENCE

- None.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Dan Doherty, is requesting a Conditional Use Permit (CUP) to allow for (1) a public eating establishment, (2) a drinking establishment, (3) an entertainment establishment, and (4) late-night operation between 12:00 midnight and 2:00 a.m. at an existing commercial building at the southeast corner of San Pedro and Post Streets.

The subject site is located within the boundaries of the DC Downtown Primary Commercial Zoning District. Per Table 20-140 of the Municipal Code, a CUP is required for drinking and entertainment establishments. Table 20-140 of the Municipal Code indicates that no parking is required for restaurants, drinking establishments, or entertainment establishments in the Downtown Primary Commercial Zoning District.

Site Conditions and Context

The subject 0.11-gross-acre site is located at the southwest corner of South San Pedro and Post Streets (152 Post St.). The existing building is a vacant, single-story, unreinforced masonry (URM) structure originally constructed in 1931. The existing configuration has the structure divided into two tenant spaces, which the applicant proposes to combine into one. The rear outdoor area is paved and currently surrounded by chain-link fencing, and it appears to have been utilized as surface parking in the past. The applicant is proposing to construct a six-foot high wall around the perimeter of the rear outdoor area and convert it to dining and entertainment space.

The site is bordered by surface parking lots for the Greyhound bus station to the west and south. At the northwest corner of South San Pedro and Post Streets, a surface parking lot serves adjacent commercial structures, and commercial buildings exist at both the northeast and southeast corners of South San Pedro and Post Streets (see attached map).



Existing North elevation (looking south)



Corner elevation (looking southwest)

Project Description

The proposed public eating, drinking, and entertainment establishment, Smoke, would occupy the entire 3,328 square-foot structure. The 2,326 square-foot ground floor is proposed as kitchen, bathroom, bar, and dining area. The existing 1,002 square-foot basement would be used as cooler space, offices, and employee areas. The applicant proposes to convert the rear outdoor paved area to a 2,072 square-foot outdoor dining/bar/entertainment area. A trash/recycling bin enclosure is proposed at the southeast corner of the site.

The applicant is proposing live music entertainment in the outdoor area from 10:30 a.m. to 10:00 p.m. seven days a week. Indoor entertainment is proposed from 6:00 a.m. to 1:30 a.m. seven days a week. Although the applicant's operation plan indicates that the business will be open only from 10:30 a.m. to 2:00 a.m. daily, it is permitted by right to operate between 6:00 a.m. and 12 midnight. Entertainment that is incidental to the public eating establishment use is permitted by right from 6:00 a.m. to 10:00 p.m., however, the public eating establishment use will cease at 8:00 p.m., and the drinking/entertainment establishment use will commence at that time, therefore, the entertainment is not incidental to a public eating establishment after 8 p.m. Below is a table that further describes the above noted uses and times:

	Monday through Sunday	
	<u>Begin Time</u>	<u>End Time</u>
Public Eating Establishment	6:00 a.m.	8:00 p.m.
Drinking Establishment	6:00 a.m.	2:00 a.m.
Entertainment Establishment	6:00 a.m.	2:00 a.m.
Outdoor Entertainment	10:30 a.m.	10:00 p.m.

The applicant is proposing various exterior changes to the structure. The original design of the existing 1930's building would remain with the preservation of the existing corner entry and column features. The URM retrofit ties would remain exposed, and an existing faux-rock partial façade on the east building face would be replaced with a new cement plaster finish that would cover all exterior façades except the west façade, which would remain exposed brick. New steel frame windows, similar to those of the original building, are proposed throughout with several new window openings or enlargements. New wood or wood clad doors are proposed at the corner, rear, and north elevations. A six-foot-high wall with stucco finish and a redwood trellis extension is proposed to enclose the rear, southern half of the property. No on-site parking is proposed as part of the project.

GENERAL PLAN CONFORMANCE

The proposed use of the commercial building is consistent with the San José General Plan Land Use/Transportation Diagram designation of Core Area in that eating, drinking, and entertainment uses are an intended use under the designation. The Core Area designation intends for a mix of office, retail, service, high density residential, and entertainment uses in the Downtown Core Area to facilitate a vibrant urban environment. The proposed use furthers this intent. The proposed use also furthers the City's General Plan Downtown Revitalization Major Strategy. This Major Strategy encourages new investment in and around the Downtown to create a prominent and attractive place with a vibrant mix of uses. The proposed establishment would fill a vacant tenant space and result in significant investment to upgrade the existing site.

ENVIRONMENTAL REVIEW

Pursuant to Section 15162 of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Downtown Strategy Plan and does not involve new significant effects beyond those analyzed in the Final Supplemental Environmental Impact Report (SEIR) for the Downtown Strategy Plan in San José. Therefore, the City of San José can take action on the project as being within the scope of the Downtown Strategy Plan and the Final SEIR.

The EIR analyzed noise impacts from construction and traffic impacts as a result of the Downtown Strategy Plan. The subject project would result in less than significant impacts from construction noise because the structure exists at the site and only minor site exterior improvements are proposed. While the existing structure is currently vacant, it has been occupied by various uses during the past 70 years including a liquor store, café, card room, and bar. The proposed use as a restaurant/bar/entertainment establishment will not result in increased traffic volumes above those analyzed in the EIR because the peak-hour vehicle trips generated by the use in the existing building were assumed in the EIR transportation impact analysis.

The Downtown Strategy Plan EIR Monitoring and Reporting Matrix requires new projects to implement General Plan noise policies 1, 3, 4, 5, 6, 8, and 11. Noise Policy No. 1, states "the City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant health effects." The policy further states, "These objectives are established by the City, recognizing that the attainment of exterior noise quality levels in the environs of the San Jose International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan." The project conforms to this policy in that it is located within the Downtown Core Area.

Noise Policy No. 11 states, "When located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non residential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line." The project is not located adjacent to any planned or existing residential, or public/quasi-public uses, so it is not subject to this policy.

The Downtown Strategy Plan EIR Monitoring and Reporting Matrix also requires new development to undertake appropriate site planning to reduce noise exposure to outdoor use areas of residential and recreational facilities. The proposed project would construct a six-foot-high wall around the perimeter of the outdoor dining/gathering area uses for live music incidental to the restaurant to reduce noise outside of the site boundaries. To further prevent possible noise impacts, all outdoor music would cease at 10 p.m.

Additionally, the existing site has 100 percent coverage with structures or pavement, and no habitat or other biological resources are present on the site.

Therefore, a subsequent EIR will not be prepared because the project described above does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. No new information of substantial importance shows the project will have one or more significant effects not discussed in the previous EIR or that significant effects previously examined will be substantially more severe than shown in the previous EIR.

ANALYSIS

The primary policies applicable for the review and analysis of this project are City Council Policy 6-27 for the Evaluation of 24 Hour Uses and City Council Policy 6-23 for the Evaluation of Nightclubs and Bars. In addition, the concerns and comments from the San José Police Department were taken into consideration. The analysis of each of these issues is discussed below.

City Council Policy 6-27: Evaluation of 24 Hour Uses

The City Council Policy, Evaluation of 24-Hour Uses, is intended to assure compatibility of uses operating between 12:00 midnight and 6:00 a.m. with surrounding land uses. In regard to nightclubs/bars, the Policy states that uses under this category should meet the City Council Policy on the Guidelines for Evaluation of Nightclubs and Bars. Please see the discussion below.

City Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars

The City Council Policy, Guidelines for Evaluation of Nightclubs and Bars, was adopted to facilitate the evaluation process for individual permit applications by identifying the needed project characteristics that are necessary for approval.

Key issues identified in the policy that are relevant to this proposal include land use compatibility and noise. The Policy encourages nightclubs in the Downtown Core provided that they do not adversely impact existing or planned residential uses. The subject site is located in the Downtown Core, and the closest existing or planned residential use is over a block away (residential units over commercial uses at 163 West Santa Clara Street [AP Stumps building on the north side of West Santa Clara Street between North San Pedro Street and Almaden Avenue]). The adjacent commercial and parking lot uses are compatible with the proposed nightclub/bar/restaurant. So that use compatibility can be assessed in the future, a condition of approval indicates that this permit would expire five years from the date of approval.

In addition to the noise and compatibility issues noted above, the Policy also addresses garbage, age restrictions, and operational hours. Per the attached operations plan, broom cleaning of the grounds (indoors and outdoors) and the adjacent sidewalks is to occur each evening. Hose washing of the sidewalks will occur each morning before opening. The operations plan specifies the establishment is open to persons of any age from 10:30 a.m. (opening) to 8 p.m. each day. From 8 p.m. to 2 a.m. each day, patrons would be limited to those who are 21 years old and older. In conformance with the policy, the applicant is proposing to close at 2 a.m. daily. Furthermore, Staff is proposing the condition that "any time that the facility is operating as an entertainment establishment (where entertainment is not incidental to the

primary public eating establishment use), no patrons under the age of 21 years old shall be allowed within the establishment.” Based on the analysis, staff concludes that the proposed use is consistent with the intent of the Council Policy.

Police Department Concerns

The Council Policy, Guidelines for Evaluation of Nightclubs and Bars, specifies that the Chief of Police should evaluate all bar and nightclub proposals and recommend conditions necessary to ensure the safety of patrons and citizens. Officer Dave Kirkendall of the San Jose Police submitted a memorandum to the Planning Department dated September 7, 2004 (attached). The memo states that the Police Department has no objections to the 2:00 a.m. closure, however, they do not support the outdoor entertainment proposal. After discussing the Police memo with the applicant, the applicant agreed to amend their original proposal to have outdoor entertainment cease at 10 p.m. It is Staff's understanding that the Police are not opposed to the outdoor entertainment if it will cease at 10 p.m. As conditioned by the CUP approval, the applicant will be required to obtain all applicable permits from the Police Department.

PUBLIC OUTREACH

Notices of the public hearing for this project were sent to all property owners within 500 feet of the subject property. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has been available to discuss the project with members of the public.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Core Area on the adopted San José 2020 General Plan Land Use/Transportation Diagram. The proposed use is consistent with this designation.
2. The site is currently zoned DC Downtown Primary Commercial.
3. The site is 0.11 gross acres in size.
4. The proposed drinking and entertainment establishment would occupy the entire existing 3,328 square-foot structure. The 2,326 square-foot ground floor is proposed as kitchen, bathroom, bar, and dining area. The existing 1,002 square-foot basement would be used as cooler space, offices, and employee areas. The applicant proposes to convert the rear outdoor paved area to a 2,072 square-foot outdoor dining/bar/entertainment area. A trash/recycling bin enclosure is proposed at the southeast corner of the site.
5. The areas surrounding the site are also designated Core Area on the San José 2020 General Plan Land Use/Transportation Diagram and are located in the DC Downtown Primary Commercial zoning district.

6. The site is bordered by surface parking lots to the west and south. At the northwest corner of South San Pedro and Post Streets, a surface parking lot serves adjacent commercial structures, and commercial buildings exist at both the northeast and southeast corners of South San Pedro and Post Streets.
7. The proposed project consists of (1) a public eating establishment, (2) a drinking establishment, (3) an entertainment establishment, and (4) late-night operation between 12:00 midnight and 2:00 a.m.
8. A Conditional Use Permit is required to allow the drinking and entertainment establishment and late-night use in the DC Downtown Primary Commercial Zoning District.
9. Council Policy 6-23 specifies that the Chief of Police evaluate all bar and nightclub proposals and recommend conditions necessary to ensure the safety of patrons and citizens. The Police Department has reviewed the proposal and does not object to the 2 a.m. closure. The nightclub/bar is required to obtain applicable permits from the Police Department.
10. The subject site is located in the Downtown Core/Entertainment District.
11. Alcohol service will cease at 1:30 a.m. daily.
12. Entertainment will cease at 1:30 a.m. daily.
13. Table 20-140 of the Municipal Code indicates that no parking is required for restaurants, drinking establishments, or entertainment establishments in the Downtown Primary Commercial Zoning District. No on-site parking is proposed as part of the project.
14. Pursuant to Section 15162 of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Downtown Strategy Plan and does not involve new significant effects beyond those analyzed in the Final Supplemental Environmental Impact Report (SEIR) for the Downtown Strategy Plan in San José. Therefore, the City of San José can take action on the project as being within the scope of the Downtown Strategy Plan and the Final SEIR.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project conforms to the City's General Plan.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or

- b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
- 2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features in this title, or as otherwise required in order to integrate said use with the uses in the surrounding areas; and
 - 3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

- 1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.
- 2. **Additional Permits.** Obtain all applicable permits required per the San José Municipal Code including but not limited to required permits from the Police Department.

CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

- 1. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "Building Renovations & Tenant Improvement for SMOKE, 154 Post Street, San

Jose, California" dated July 30, 2004, on file with the Department of Planning, Building and Code Enforcement.

2. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, CP04-045, shall be printed on all construction plans submitted to the Building Division.
3. **Fire Safety.** The applicant shall meet all requirements of the Fire Department at the Building Permit stage.
4. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
5. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
6. **Operations Plan.** The facility shall operate in conformance with the attached operations plan titled "Smoke @ 152 Post St., Operations Plan." If the operations plan conflicts with any conditions found in this permit, the conditions within the permit shall take precedence.
7. **Anti Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris.
 - a. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage and shall include daily damp washing of all exterior walls and sidewalks along the project's frontage.
 - b. Mechanical equipment used for outside maintenance, including blowers and street sweepers shall not be used between 10:00 p.m. and 6:00 a.m. daily.
 - c. The facility operator shall provide adequate ashtrays along the business frontage to accommodate patrons who wish to smoke outdoors. Patrons smoking outdoors shall not impede pedestrian traffic along the adjacent rights-of-way, nor create a nuisance for adjoining businesses.
8. **Hours of Operation.** Hours of operation are limited to 6:00 a.m. to 2:00 a.m., seven days a week.
9. **Alcohol Service.** Alcohol service shall cease at 1:30 a.m., daily.
10. **Entertainment.** Entertainment shall cease at 1:30 a.m., daily.
11. **Age of Patrons.** From 8 p.m. to 2 a.m. seven days a week, admittance to the establishment is restricted to patrons 21 years of age and older. Additionally, any other time that the facility is operating as an entertainment establishment where entertainment is not incidental to the primary public eating establishment use, no patrons under the age of 21 years old shall be allowed within the establishment.
12. **Lighting.** This permit allows no new on-site, exterior lighting. Any exterior lighting shall be subject to approval by the Director of Planning, Building, and Code Enforcement.

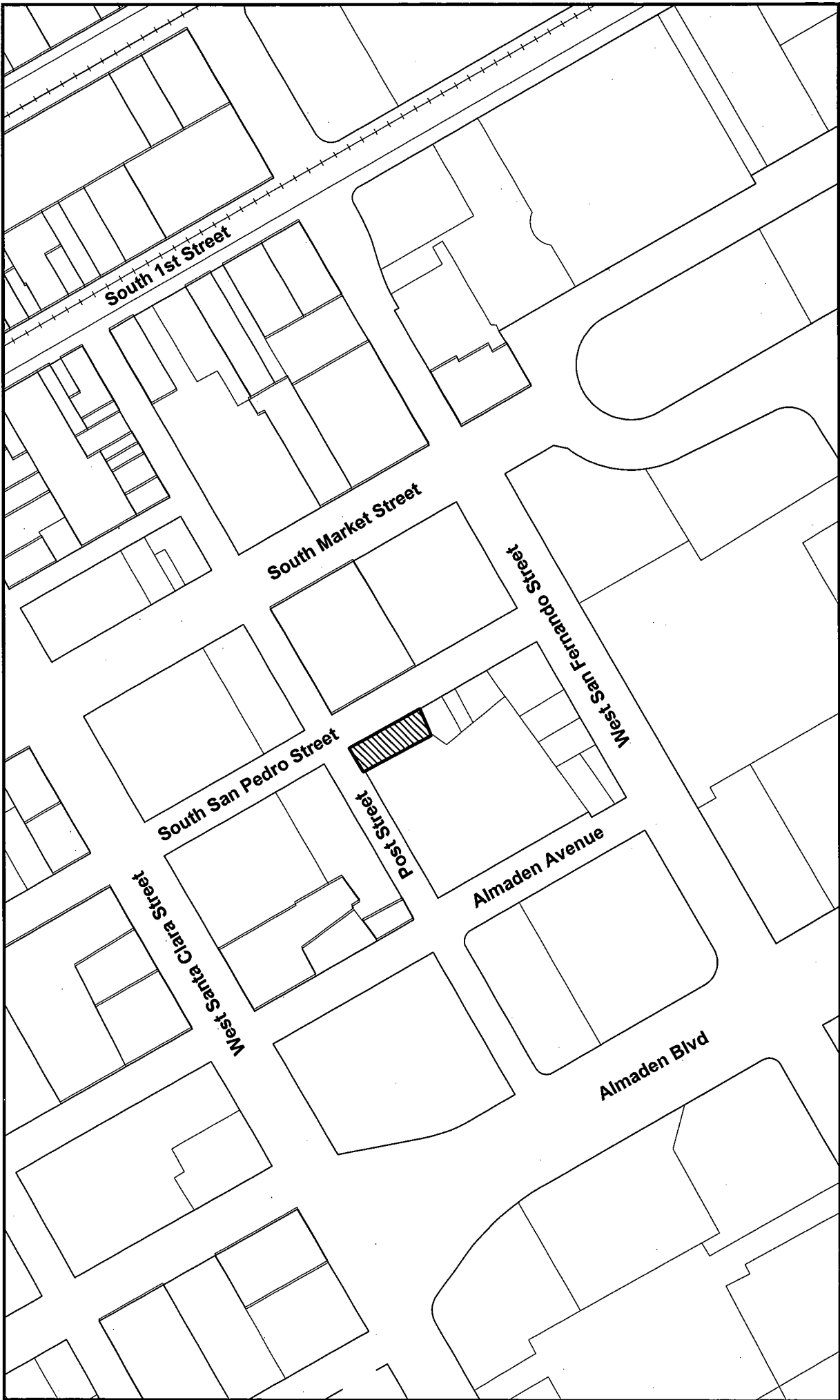
13. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning, Building, and Code Enforcement.
14. **Environmental Services Department Comments.** The proposed facility must conform to the City of San Jose industrial waste discharge regulations. Any non-domestic wastewater discharge into the sanitary sewer system will require Source Control Staff to review and approve the final plans. Such review will include sizing of grease traps and interceptors. Contact Environmental Engineering Staff at (408) 945-3000 with any questions.

CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment in accordance with Title 20 to extend the validity of this Permit for a period of up to but not exceeding one (1) year; provided, however, that no more than two (2) such term extensions are approved. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Time Limit.** This Conditional Use Permit expires and has no further force or effect five (5) years from the date of this Permit.

Please note that this Conditional Use Permit has been granted for a period of 5 year(s) only. You are being specifically and separately advised of this time limitation so that you will consider this time limitation in your decision to accept this permit or as you make any investment decision related to this property.

3. **Renewal.** The permit holder may seek renewal of a time-conditioned Conditional Use Permit by filing a timely renewal Conditional Use Permit application. In order to be timely, an application for renewal must be filed more than ninety (90) calendar days but less than one hundred eighty (180) calendar days prior to the expiration of the Conditional Use Permit. Once a renewal application has been filed in a timely manner, the expiration date of the Conditional Use Permit is automatically extended until either the issuance or denial of the application for renewal has become final.
4. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance

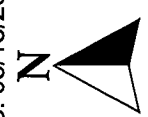


File No: CP04-045

District:3

Quad No: 83

Scale: 1"=200'
Date: 05/13/2004



CITY OF SAN JOSÉ

USE OF AN EIR FOR THE

DOWNTOWN STRATEGY PLAN IN SAN JOSÉ

Pursuant to Section 15162 of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Downtown Strategy Plan and does not involve new significant effects beyond those analyzed in the Final Supplemental Environmental Impact Report (SEIR) for the Downtown Strategy Plan in San José. Therefore, the City of San José can take action on the project as being within the scope of the Downtown Strategy Plan and the Final SEIR.

PROJECT DESCRIPTION AND LOCATION

CP04-045. CONDITIONAL USE PERMIT to allow (in an existing 2,500 square foot vacant building) a restaurant/bar, outdoor dining/gathering space, incidental outdoor music until 10 p.m., indoor entertainment, and operation between the hours of 6:00 a.m. and 2 a.m. on a 0.11 gross acre site in the DC Downtown Commercial Zoning District, located at the Southwest corner of South San Pedro and Post Streets.

Council District: 3

County Assessor's Parcel Number: 259-40-013

The environmental impacts of this project were addressed by a Final SEIR entitled, "Downtown Strategy Plan," and adopted by City Council Resolution No. 68839 on April 27, 1999. Specifically, the following impacts were reviewed and found to be adequately considered by the SEIR:

Land Use	Transportation	Air Quality
Microclimate	Noise	Public Facilities and Services
Geology and Seismicity	Hazardous Materials	Airport Considerations
Archaeological Resources	Historical Resources	Construction Period Impacts
Relocation Issues	Aesthetics	Biotic Resources
Energy		

Additional site specific analysis for noise has been completed on the attachment

Lee Butler
Project Manager

Stephen M. Haase, AICP, Director
Planning, Building and Code Enforcement

September 29, 2004
Date

Ron Eddow
Deputy

ANALYSIS CP04-045

The EIR analyzed noise impacts from construction and traffic impacts as a result of the Downtown Strategy Plan. The subject project would result in less than significant impacts from construction noise because the structure exists at the site and only minor site exterior improvements are proposed. While the existing structure is currently vacant, it has been occupied by various uses during the past 70 years including a liquor store, café, card room, and bar. The proposed use as a restaurant/bar/entertainment establishment will not result in increased traffic volumes above those analyzed in the EIR because the peak-hour vehicle trips generated by the use in the existing building were assumed in the EIR transportation impact analysis.

The Downtown Strategy Plan EIR Monitoring and Reporting Matrix requires new projects to implement General Plan noise policies 1, 3, 4, 5, 6, 8, and 11. Noise Policy No. 1, states "the City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant health effects." The policy further states, "These objectives are established by the City, recognizing that the attainment of exterior noise quality levels in the environs of the San Jose International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan." The project conforms to this policy in that it is located within the Downtown Core Area.

Noise Policy No. 11 states, "When located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non residential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line." The project conforms to this policy in that the subject site is not located adjacent to any planned or existing residential, or public/quasi-public uses.

The Downtown Strategy Plan EIR Monitoring and Reporting Matrix also requires new development to undertake appropriate site planning to reduce noise exposure to outdoor use areas of residential and recreational facilities. The proposed project would construct a six-foot-high wall around the perimeter of the outdoor dining/gathering area uses for live music incidental to the restaurant to reduce noise outside of the site boundaries. To further prevent possible noise impacts, all outdoor music would cease at 10 p.m. Additionally, the existing site has 100 percent coverage with structures or pavement, and no habitat or other biological resources are present on the site.

Therefore, a subsequent EIR will not be prepared because the project described above does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. No new information of substantial importance shows the project will have one or more significant effects not discussed in the previous EIR or that significant effects previously examined will be substantially more severe than shown in the previous EIR.



Memorandum

TO: Lee Butler
Planning Department

FROM: Ofcr. Dave Kirkendall #1749
San Jose Police Vice Unit

SUBJECT: CP 04-045

DATE: September 7, 2004

Approved

Date

The Police Department is providing input regarding "Smoke 152 Post", 152 Post Street, San Jose, Ca. "Smoke 152 Post", wishes to amend their Conditional Use Permit (CUP) to allow restaurant/bar with outdoor dining, live music and DJ. They are proposing DJ inside only and live music inside and outside with operation until 2:00 AM. "Smoke 152 Post" currently has a valid Type 47 On Sale Public Eating Establishment ABC License.

The 394 South 2nd Street is not in a Project Crackdown, Weed and Seed Area or Strong Neighborhood Initiative (SNI) Area.

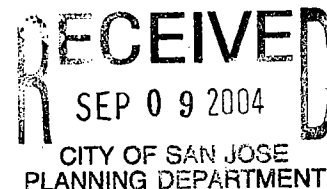
Department of Alcohol Beverage Control (ABC) records indicate, 152 Post Street is in census track 5008.00. Pursuant to B&P Section 23958.4 (a)(2) ...the ratio of on-sale retail licenses to population in census tract 5008.00 does exceed the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

Authorized and Current ABC Licenses in Census Track 5008.00

Census Tracks	Authorized ABC Licenses As of January 2003		Current ABC Licenses As of September 3, 2004		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5008.00	3	2	60/4	4	YES	YES

Business and Professions Code Section 23958.4(c)(1) defines a reporting district as a geographical area within the boundaries of a single government entity (city or the unincorporated area of the county), that are identified by the local law enforcement agency in the compilation and maintenance of statistical information on reported crimes and arrests. In the City of San Jose that geographical area is a police beat.

Business and Professions Code Section 23958.4(c)(2) defines reported crimes as the most recent yearly compilation by the local law enforcement agency of reported offences of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations. These crimes are often referred to as Part 1 or Index Crimes, which are the more serious crimes, tracked.



The 152 Post Street is in San Jose Police Beat E3. The reported crime statistics as defined by B&P Section 23958.4(c)(2) are over the 20% crime index thus the location is considered unduly concentrated per B&P Section 23958.4 (a)(1).

Police District E 2003 Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
E1	123	352	475	NO
E2	260	827	1087	YES
E3	288	764	1052	YES
E4	181	403	584	NO
City Average (2003))	298	379	677	NO
Average + 20% (2003)	358	455	813	YES

The police beats in District E are below the city average of indexed crimes. The arrests in Police Beat E2 are 118% and E3 are 102% over the average arrest rate for the city. Resources are often redirected to handle the over load of calls in those impacted Police Beats. These heavy arrest rates in relation to their low index crime numbers indicate that there is a significant number of non-indexed crime arrests and even more contacts that do not result in arrests.

The reported crime statistics as defined by B&P Section 23958.4(c)(2) only takes into account the seven major reported Index Crimes and does not reflect the multitude of other reported crimes that actually are received in any given reporting district. Reported crimes such as drunk in public, disturbances, crowd control, fights, traffic control and many others actually take up a significant amount of police resources and time. These are typical types of crimes associated with entertainment establishments. Granted some of these crimes would be reflected in the arrest statistics but in a majority of these types of crimes no arrest are made so they would not be reflected in the Index Crimes figures. A more accurate gauge of the activity would be an in depth crime analysis of all reported incidents, calls for service and self initiated events.

During the last year there were no reported incidents, calls for service and self initiated events at 152 Post 2nd Street.

Between June 1, 2003 and August 15, 2004 there were a total of 6,774 reported incidents and calls for service within a 1000 foot radius of 152 Post Street. There is some minor duplication of events in the reported incidents and calls for service totals. The Table below lists the top 5 calls for each category.

Crime Analysis within 1000 Feet of 152 Post Street

REPORTED INCIDENTS		CALLS FOR SERICE	
#	Nature of Call	#	Nature of Call
127	647(F) PC (Drunk in Public)	944	1195 (Vehicle Stops)
86	484 (A) PC (Petty Theft)	660	CPS (Crime Prevention)
81	11-82 (Vehicle Accidents)	574	SEU
55	Lost Property	570	10-95 (Pedestrian Stop)
49	23152(a) CVC (Drunk Driving)	304	415 PC (Disturbance)

For more details see the complete crime analysis memo attached to this memo.

The downtown entertainment area (Police District E) has an extremely high concentration of ABC establishments, which primarily focus on food service and/or entertainment. These businesses create a significant draw to the downtown area. Problems associated with these types of businesses such as drunk in public, disturbances, crowd control, fights, traffic control, etc. create a significant policing problem. When the Entertainment District was created funds were established to address the some of the additional anticipated police costs created by this influx.

A supervising Sergeant was assigned to oversee the primary entertainment evenings of Thursday thru Sunday. A limited number of officers were assigned to the Sergeant on overtime bases to support him. Budget limitations have reduced these additional funds resulting in a decrease in the number of officers and hours they are allowed to work.

The decrease in manpower shifts more responsibility to the assigned beat officers in the police district. The entertainment district has four police beats and normally no more than one officer per beat is assigned and a supervisor. When incidents occur at these establishments multiple unit response is normally required. This results in units being pulled from adjoining police beats. This happens on a fairly regular basis in the downtown area.

There is overlap of the swing and midnight units throughout the city between approximately 10:00 PM and 12:30 AM. This enables the department to have resources to cover the busiest hours of the day. After approximately 12:30 AM the midnight shift solely responsible for the city. The entertainment district does have additional officers on Wednesday thru Saturday evenings until approximately 2:30 AM to monitor the crowds during the closing of the entertainment businesses. After 12:30 AM Monday through Wednesday and after 2:30 AM the rest of the week there are no additional resources to call upon.

The proposed entertainment would require the applicant to seek a Public Entertainment Permit pursuant to San Jose Municipal Code (SJMC) Chapter 6.60. The proposed outdoor live entertainment would probably violate SJMC Section 6.60.230 which states "The permittee shall prevent noise from emanating beyond the premises of the public entertainment which is disturbing or unreasonably loud to persons on neighboring properties."

In addition the Public Entertainment Permit restricts persons under 21 when entertainment is being provided and limits the number of patrons allowed to the occupancy of the establishment. Depending upon how the outdoor venue is set up it could circumvent those provisions and created an attractive nuisance.

The police department does not support the outdoor entertainment proposal but has no objections to the 2:00 AM closure.

Please feel free to contact me at 277-4322 if you have any questions.

Dave Kirkendall #1749
Administrative Officer
Special Investigations/Vice

CRIME ANALYSIS MEMO

To: Off Dave Kirkendall #1749 / Vice Unit

From: Linda M. Depner / 171N
Crime Data Specialist

Subject: 1000 Ft Radius Statistics
152 Post St

Date: September 2, 2004

I have completed my research on Calls for Service (Pri 1-6) and Reported Incidents at the above location, as well as a review of 1000 Ft radius search of the address. The time period reviewed for Calls for Service is 6.1.03 - 6.15.04; for Reported Incidents the time period is 6.1.03 - 8.15.04

Attached are the following:

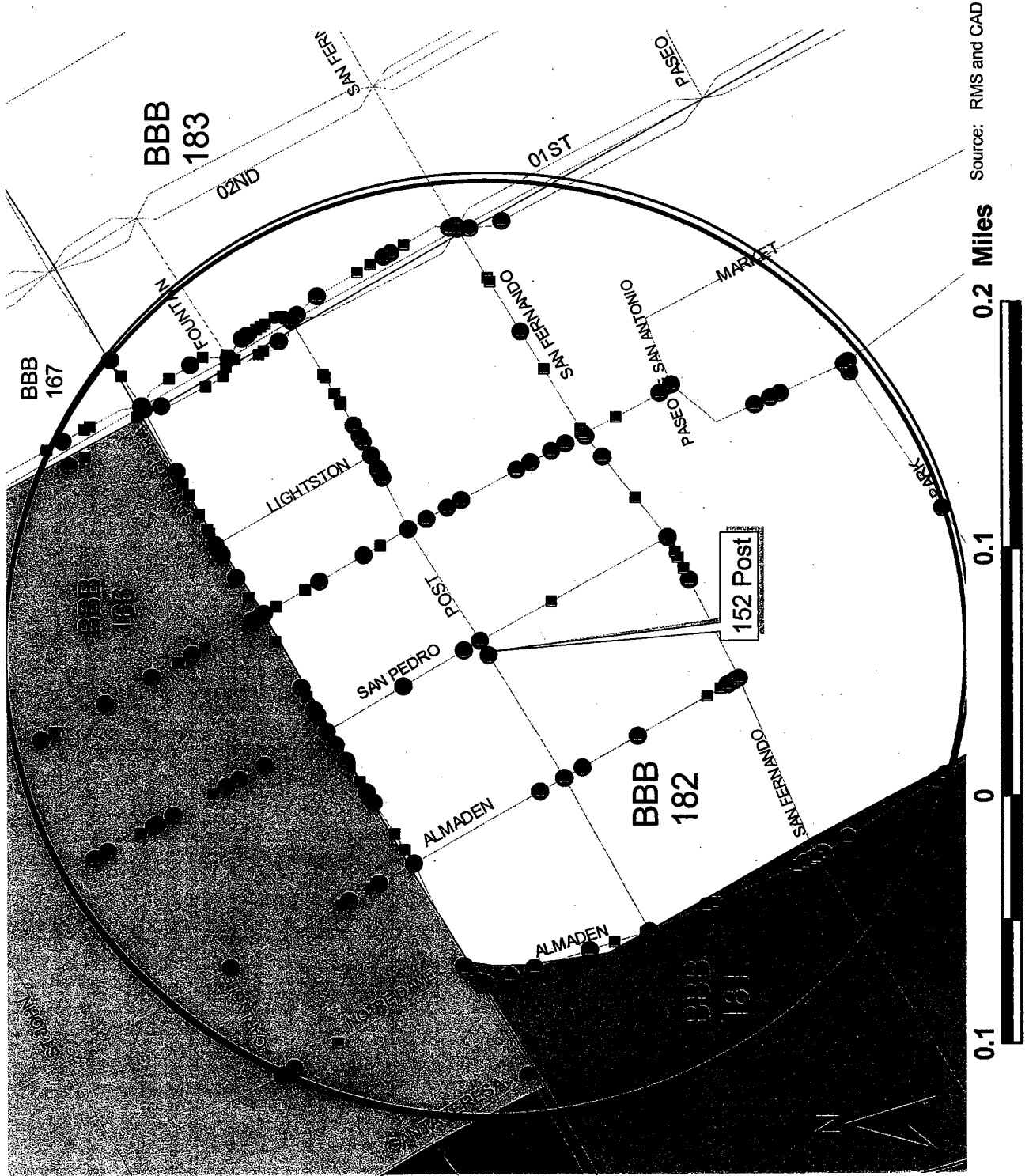
1. Map of all CFS (Pri 1-6) and Reported Incidents within a 1000 Ft radius of address;
2. Count of all Reported Incidents within that radius (1190 Reports; most frequent incident 647FP PC with 127 reports);
3. Breakdown of all Reported Incidents by Time of Day and Day of Week;
4. Count of all Calls for Service (Pri 1-6) within that radius (5584 Calls, most frequent call type 1195 with 944 calls);
5. Breakdown of all CFS by Time of Day and Day of Week.

There were no reported incidents or calls for service at the address of 152 Post St.

If you need anything further, I can be reached at x4106.

CAU Project 04-1203

Area Search: 1000 Ft Radius / 152 Post
 Reported Incidents Time Period: 6.1.03 - 8.15.04
 Calls for Service (Pri 1-6) Time Period: 6.1.03 - 6.15.04



● Reported Incidents
 (1190 Reports)

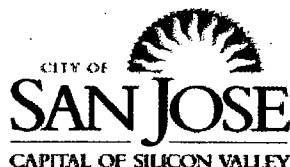
Top 10 Reported Incidents

Incident Type	Count
647 (F) PC	127
484 (A) PC	86
1182	81
PROP LOST	55
23152 (A) V	49
242 PC	38
594 (A1) PC	35
148 (A) PC	31
11550 (A) H	31
487 PC	30

■ Calls for Service (Pri 1-6)
 (5584 Calls)

Top 10 CFS by Final Call Type

Incident Type	Count
1195	944
CPF	660
SEU	574
1095	570
415	304
FLGDWN	199
1195X	192
1033A	116
1182	94
WELCK	86



Memorandum

ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

TO: Lee Butler
Department of Planning,
Building, & Code Enforcement

FROM: Geoff Blair
Environmental Services Department

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
May 27, 2004

APPROVED: *Geoff Blair* **DATE:** 5-27-04

PLANNING NO. :	CP04-045
LOCATION:	152 Post Street. Southwest corner of South San Pedro and Post Streets.
DESCRIPTION:	Conditional Use Permit to allow in an existing 2,500 square foot vacant building restaurant/bar, outdoor dining/gathering place with live entertainment music, and operate between the hours of 12 midnight and 6:00 am on a 0.11 gross acre site.
APN:	25940013

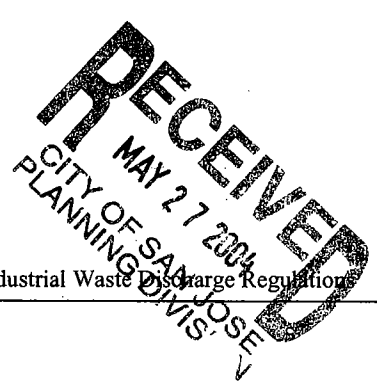
ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 945-5332.

Source Control

Restaurants

The proposed facility must conform to the City of San Jose (City) industrial waste discharge regulations¹. Any non-domestic wastewater discharge into the sanitary sewer system will require Source Control staff to review and approve the final plans. Such review will include sizing of grease traps and interceptors. Contact Environmental Engineering staff at (408) 945-3000, if you have questions.

¹ In accordance with the San Jose Municipal Code, Chapter 15.14 - Industrial Waste Discharge Regulations





RECEIVED
MAY 27 2004
CITY OF SAN JOSE
PLANNING DEPARTMENT

Memorandum

TO: Lee Butler
Planning and Building

FROM: Nadia Naum-Stoian,
Fire Prevention Engineer
San Jose Fire Department

SUBJECT: INITIAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 05/27/04

Approved

Date

PLANNING NO.: CP04-045
DESCRIPTION: Conditional Use Permit to allow in an existing 2,500 square foot vacant building restaurant/bar, outdoor dining/gathering space with live entertainment music, and operate between the hours of 12 midnight and 6:00 am on a 0.11 gross acre site
LOCATION: Southwest corner of South San Pedro and Post Streets
ADDRESS: Southwest corner of South San Pedro and Post Streets (152 POST ST)
FOLDER #: 04 112958 AO

The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

- These comments are based on the following information:
 - Largest building: 2000 sq. ft.
 - Construction Type: VN
 - Occupancy Group: A3
 - Number of stories: 1
- Site fire flow requirement: 2000 G.P.M.
- Average hydrant(s) spacing: 450 feet - Subject to Fire Department approval
- Comply with comments from the Building/Fire Departments at the plan review stage.

- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.
- Fire Department comments to Planning Department File No. CP04-045 apply to this project.
- **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION:**
 1. The needed fire flow noted above shall be provided from a minimum of 2 hydrants and shall be spaced apart on average 450 feet from the proposed project. Fire flow may be reduced upon construction of a four-hour wall, without openings, as per the adopted fire code. Construction of the area separation wall(s) is subject to review by the Fire Department. (**VERIFY EXISTING**)
 2. Approved access road(s) and hydrant(s) shall be provided once wood framing is available at site or provide an alternate means of water suppression subject to the approval of the Fire Department. Obtain permit and pay applicable fees prior to the installation. Contact the San Jose Fire Department's Fire Protection Systems Section at (408) 277-8756.
 3. All Fire Department access roads, water mains, and fire hydrants shall be installed and operational during construction in accordance with Article 87 of the Fire Code and all other applicable standards.
 4. All fire department connections shall be located within 100 feet from a standard public fire hydrant. All alternate means of protections shall be reviewed by the Fire Department. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.
- When submitting construction plans to the Building Department, **they shall include Planning's Development Permit File Number** printed on the construction plans.
- Provide two sets of reduced plans to the Fire Department once the above application has been approved by the Planning Department.
- **THE FOLLOWING GENERAL REQUIREMENTS ARE APPLICABLE TO THE SUBJECT APPLICATION:**
 - A. Roads and/or driveways shall have a minimum clear width of 20 feet. Uniform Fire Code, Section 902.2.2.
 - B. Fire lanes shall be suitably marked with standard signs, painted curbs, and/or other markers as approved or authorized for use by the Chief. Fire lane

markings shall be indicated on plans submitted through the building permit process for review and approval by the Fire Department.

- Each locked gate on site shall have an approved device with unlocking capability. Contact the Fire Department's Bureau of Fire Prevention at (408) 277-4656 for approved devices. Provide a manual means of opening gate if there is a power failure.
- Public (off-site) and private (on-site) fire hydrants shall be provided. All hydrants must meet the specifications for the City of San Jose's Fire Department. For hydrant locations please contact the San Jose Fire Department's Fire Protection Engineering Division at (408) 277-5357.
- All existing and new fire hydrants shall be at least 10 feet from all driveways.
- All structures shall be located wholly within 450 feet (road distance) of an accessible standard street hydrant.
- All dead-end streets or roads shall have a hydrant within 175 feet from the most remote end of the rear lot as per the Uniform Fire Code.
- Buildings shall be provided with automatic fire extinguishing systems. Systems serving more than 100 sprinklers shall be supervised by a remote alarm system. Obtain permit and pay applicable fees prior to the installation. Contact the San Jose Fire Department's Fire Protection Systems Section at (408) 277-5357.
- Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials.

IF APPLICABLE:

- The Hazardous Materials process can be lengthy and complex. The applicant should contact the Hazardous Materials Division at (408) 277-4659 as soon as possible to initiate the process.

Use or storage of hazardous materials, liquids, gases and/or chemicals will be subject to meeting the requirements of the Hazardous Materials Storage Ordinance, the Toxic Gas Ordinance, the applicable sections of the San Jose Fire Code, and the National Fire Codes. Submit names and amount of any hazardous materials, if they are to be stored or used, to the Bureau of Fire Prevention for review and approval.

- We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.

Planning and Building

05/27/04

Subject: CP04-045

Page 4



BY: Nadia Naum-Stoian, FPE
Bureau of Fire Prevention
San Jose Fire Department

Fire Site Memo to Planning Application

Smoke @ 152 Post St., Operations Plan

Days and Hours of Operation.

Days and hours of operation proposed for the restaurant, bar (alcohol service), and entertainment uses.

- We will be open 7 days a week 10:30am till 2:00 am.
- We will have **food service** from 10:30 am until at least 10pm (per requirements of ABC rules for a type 47 license). We will have an additional "Late Night" menu from 10pm till 1:00pm on the busier weekend nights.

Alcohol service will be available at all time we are open. Alcohol service will stop at 1:30am; patrons will exit by 1:45am.

Entertainment will be provided by a music system, DJ's and occasional live music. Back round music will be on at all times. We propose have DJ music each evening inside. We would like have a small music stage outside; it would play Blues, Reggae, Jazz, Steel drum type music. Instrumental and vocal music that is incidental to our operation will be available outside between the hours of 6:00 a.m. and 10:00 p.m. This would be acoustic music; meaning it should not be very loud like a live music club.

Cleanup plans for exterior areas.

We have a significant cleaning structure planned for the building. It will include a hose system that will allow us to clean the sidewalks and the building on a regular basis. We will clean the side walks much the same way the city cleans the granite on First street and Santa Clara Street. Broom cleaning will be done at night outside, inside, on our patio, and on the adjacent sidewalks. Washing of the side walks will take place each morning before opening. Our trash and recycling area will be emptied every other day.

Age of patrons would be as follows:

From 10:30am till 8pm (7 days a week); we would allow all ages into the restaurant.
From 8pm till 2:00 am (7 days a week); we would restrict the age of patrons to 21 and over.

Business Signs.

We will design a signage system that is in conformance with city requirements. Will we seek approval on the design and lighting for it through proper planning department staff.

Sincerely,

Dan Doherty
152 Post street
408-202-6749
dohertydan@mindspring.com

ING RENOVATION & TENANT IMPROVEMENT FOR
S M O K E
154 POST STREET, SAN JOSE, CALIFORNIA

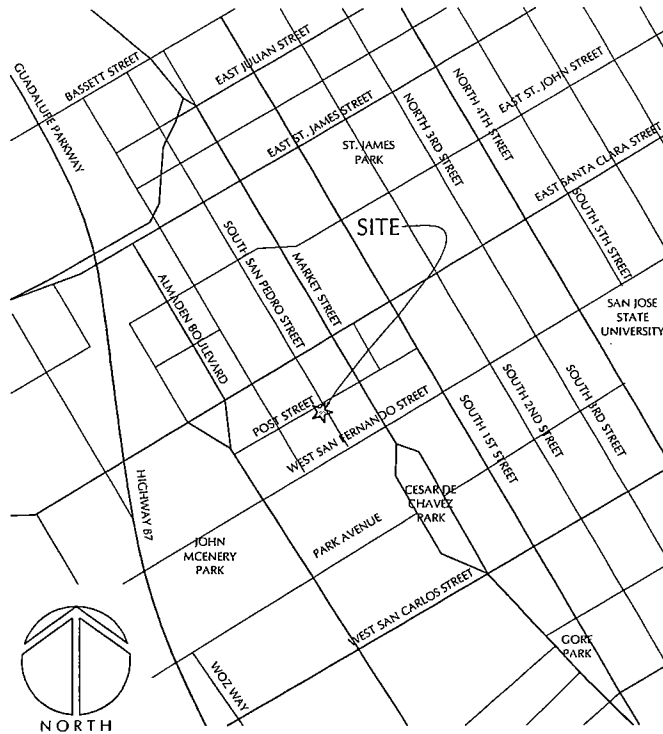


WILLIAM C. KEMPf
ARCHITECT
1001 CENTER STREET, #7
SANTA CRUZ, CA 95060
831.459.0951
bill@wckempf.com

S M O K E
154 POST STREET, SAN JOSE, CALIFORNIA

VICINITY MAP, PROJECT DATA, GENERAL NOTES

VICINITY MAP



PROJECT DATA

ARCHITECT: WILLIAM C. KEMPF
1001 CENTER STREET, SUITE 7
SANTA CRUZ, CA 95060
831 459-0951

STRUCTURAL ENGINEER: GERALD GRAEBE & ASSOCIATES
154 WEST SAN LUIS STREET
SALINAS, CA 93901
831 422-6409

GENERAL CONTRACTOR: STEVE SMITH
MERCHANT BUILDERS, INC
9515 SOQUEL DRIVE, #212
APTOS, CA 95003
831 685-2100

MECHANICAL ENGINEER: GILCREST ENGINEERING SERVICES
630 BAY AVENUE, SUITE D
CAPITOLA, CA 95010
831 462-6447

ELECTRICAL CONSULTANT: AGNELLO ELECTRIC
681 CORRALITOS RIDGE ROAD
CORRALITOS, CA 95076
831 234-3793
















PROJECT DATA

OWNER:	STEVE SMITH 135 VICTORIA LANE APTOS, CA 95003 831 818-8196	
PROJECT SITE:	154 POST STREET SAN JOSE, CALIFORNIA	
ASSESSORS PARCEL NUMBER:	#259-40-013	
LOT AREA:	4,823 S.F.	
BUILDING AREA:	MAIN FLOOR:	2,326 S.F.
	BASEMENT:	1,002 S.F.
	<u>TOTAL:</u>	<u>3,328 S.F.</u>
PROJECT DESCRIPTION:	DEMO INTERIOR OF EXISTING BAR AND RESTAURANT, PROVIDE NEW REST ROOMS, KITCHEN, BAR AND IMPROVE INTERIOR AND EXTERIOR FOR NEW RESTAURANT BAR	

GENERAL NOTES

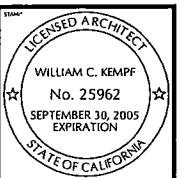
1. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE CALIFORNIA BUILDING, MECHANICAL, ELECTRICAL AND PLUMBING CODES, STATE OF CALIFORNIA TITLE-24 REQUIREMENTS, AND ALL APPLICABLE CODES AND ORDINANCES. IN THE EVENT OF CONFLICT BETWEEN PERTINENT CODES AND REGULATIONS AND THE REQUIREMENTS OF THE REFERENCED STANDARDS OF THESE NOTES, THE PROVISIONS OF THE MORE STRINGENT SHALL GOVERN.
2. THE CONTRACTOR SHALL VERIFY ALL THE INFORMATION IN THE DRAWINGS AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCY PRIOR TO ORDERING MATERIALS OR COMMENCING WITH WORK. THE CONTRACTOR SHALL VISIT THE SITE AND SHALL NOTIFY THE ARCHITECT IF THERE ARE ANY OBSERVED DISCREPANCIES BETWEEN EXISTING CONDITIONS AND THE CONTRACT DOCUMENTS.
3. THE CONTRACTOR SHALL PROVIDE ALL MATERIAL, EQUIPMENT AND SERVICES REQUIRED TO COMPLETE THE WORK EXCEPT FOR THOSE ITEMS SHOWN AS N.L.C. (NOT IN CONTRACT), IF HIDDEN OR UNUSUAL SITUATIONS ARE ENCOUNTERED DURING CONSTRUCTION WHICH COULD NOT HAVE BEEN FORESEEN PRIOR TO CONSTRUCTION, NOTIFY THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
4. THE CONTRACTOR SHALL NOT ENCUMBER ANY PUBLIC OR PRIVATE PROPERTY OTHER THAN THE SITE WITHOUT ENCROACHMENT PERMITS OR WRITTEN PERMISSION FROM THE PROPERTY OWNERS.
5. THE CONTRACTOR SHALL PROVIDE FENCING, BARRICADES, WARNING SIGNS/SIGNALS OR OTHER PROTECTIVE MEASURES AS NEEDED TO PROVIDE FOR THE PUBLIC'S SAFETY.
6. THE CONTRACTOR SHALL SCHEDULE AND COORDINATE ALL INSPECTIONS AND AT THE END OF THE WORK PROVIDE THE OWNER WITH ALL THE ORIGINAL SIGNED DOCUMENTS FROM ANY INSPECTING ENTITY.
7. TYPICAL DETAILS AND NOTES SHALL APPLY UNLESS SPECIFICALLY SHOWN OR NOTED OTHERWISE. DETAILS NOT FULLY SHOWN OR NOTED SHALL BE SIMILAR TO DETAILS SHOWN FOR SIMILAR CONDITIONS. DIMENSIONS TAKE PRECEDENCE OVER SCALE SHOWN ON DRAWINGS. SCALING DRAWINGS TO DETERMINE DIMENSIONS IS NOT VALID.
8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DESIGN AND PROVIDE SHORING, BRACING, FORMWORK, ETC., AS REQUIRED TO PROTECT LIFE AND PROPERTY.
9. JOB COPIES OF THE BUILDING & PERMITS SHALL BE ON-SITE DURING INSPECTIONS.
10. ALL EXTERIOR WOOD FRAMING EXPOSED TO WEATHER, I.E.GIRDERS, BEAMS, JOISTS AND POSTS SHALL BE EITHER PRESSURE TREATED OR REDWOOD.
11. DUE TO THE IRREGULARITIES OF THIS BUILDING, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD AND REPORT DISCREPANCIES TO THE ARCHITECT.

ABBREVIATIONS & SYMBOLS

#	AND	INSUL.	INSULATION	T.O.S.	TOP OF SLAB
A	AT	INT.	INTERIOR	T.O.W.	TOP OF WALL
A.B.	AT DIAMETER	JT.	JOINT	T.S.F.	TOP OF SUB-FLOOR
Ø	ANCHOR BOLT	K.D.	KILN DRIED	TPP.	TYPICAL
ALUM.	ALUMINUM	PL.	PLASTER	U.O.N.	UNLESS OTHERWISE
APPROX.	APPROXIMATE	L.V.	LAVATORY		NOTED
BD.	BOARD	MAX.	MAXIMUM	VERT.	VERTICAL
BLKG.	BLOCKING	M.B.	MACHINE BOLT	W/	WITH
BM.	BEAM	MAT.	MATERIAL	W.C.	WATERCLOSET
B.T.	BOTTOM	MECH.	MECHANICAL	WD.	WOOD
C.B.	CABINET	MFR.	MANUFACTURER	W.H.	WATER HEATER
CJ.	CONTROL JOINT	MIN.	MINIMUM	W/O	WITHOUT
CLG.	CEILING	M.O.	MASONRY OPENING	WT.	WEIGHT
CLR.	CLEAR	M.T.L.	METAL	W.W.M.	WELDED WIRE MESH
C.M.U.	CONCRETE	(N)	NEW		
	MASONRY UNIT	N.C.	NOT IN CONTRACT		WOOD TRIM
COL.	COLUMN	N.T.S.	NOT TO SCALE		DIMENSIONAL LUMBER
CONC.	CONCRETE	O/	OVER		WOOD BLOCKING
CONT.	CONTINUOUS	O.C.	ON CENTER		PLYWOOD
D.D.	DOUBLE	O.D.	OUTSIDE DIAMETER		GYPSUM WALL BOARD
DTL.	DETAIL	OPNG.	OPENING		CONCRETE
DIM.	DIMENSION	P.A.F.	POWDER ACTUATED FASTENER		CONCRETE BLOCK
DN.	DOWN	PL.	PLATE		BRICK
D.F.	DOUGLAS FIR	PLYWD.	PLYWOOD		METAL
D.D.W.	DISHWASHER	(P)	PROPOSED		WALL
EA.	EACH	P.T.	PRESSURE TREATED		WALL TO BE REMOVED
EL.	ELEVATION	P.V.C.	POLY VINYL CHLORIDE		
EQ.	EQUAL	QTR.	QUARTER		
EQUIP.	EQUIPMENT	R.	RADIANT		
EXIST.	EXISTING	REF.	REFRIGERATOR		
(E)	EXISTING	REINF.	REINFORCING		
EXT.	EXTERIOR	REQ'D.	REQUIRED		
FDN.	FOUNDATION	RM.	ROOM		
F.O.	FACE OF	RND.	ROUND		
F.O.B.	FACE OF BLOCK	R.O.	ROUGH OPENING		
F.O.C.	FACE OF CONCRETE	R.W.D.	REDWOOD		
F.O.F.	FACE OF FINISH	S.B.	SOLID BLOCKING		
F.O.S.	FACE OF STUD	S.C.	SOLID CORE		
FT.	FOOT OR FEET	SH.	SHIM		
FTG.	FOOTING	SPEC.	SPECIFICATION		
GA.	GAUGE	SQ.	SQUARE		
GALV.	GALVANIZED	S.S.	STAINLESS STEEL		
G.I.	GALVANIZED IRON	STD.	STANDARD		
G.L.B.	GLUE LAM BEAM	STL.	STEEL		
H.	HOLLOW CORE	STRUC.	STRUCTURAL		
HDR.	HEADER	T.E.N.	TYPICAL EDGE NAILING		
H.M.	HOLLOW METAL	T&G	TONGUE & GROOVE		
HORIZ.	HORIZONTAL	THK.	THICK		
HT.	HEIGHT	T.O.P.	TOP OF		
I.D.	INSIDE DIAMETER	T.O.C.	TOP OF CONCRETE		
IN.	INCHES	T.O.P.	TOP OF PLATE		

DRAWING INDEX

A1	VICINITY MAP, PROJECT DATA, GENERAL NOTES
A2	PROPOSED FLOOR & SITE PLANS
A3	EXISTING FLOOR & DEMOLITION PLANS
A4	FLOOR PLANS
A5	EQUIPMENT & SEATING PLANS
A6	SCHEDULES, DOOR & WINDOW ELEVATIONS
A7	PROPOSED EXTERIOR ELEVATIONS
A8	BUILDING SECTIONS

[illegible]

DISCLAIMER

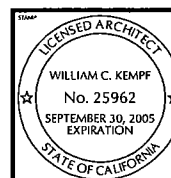
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A1



**BUILDING RENOVATION & TENANT IMPROVEMENT FOR
S M O K E
154 POST STREET, SAN JOSE, CALIFORNIA
PROPOSED FLOOR & SITE PLANS**

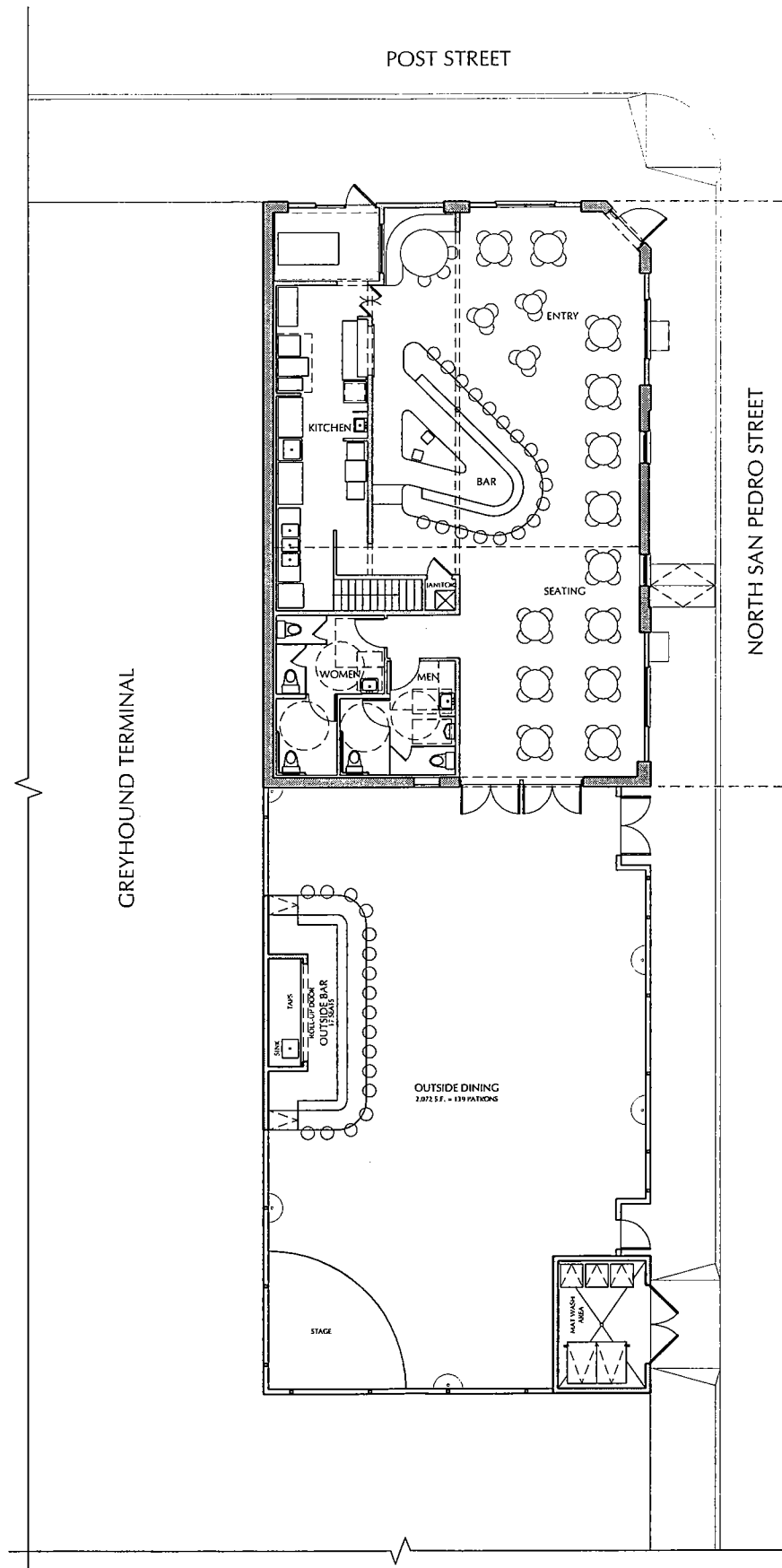
DRAWING DATE:	JULY 30, 2004
CONSTRUCTION RELEASE:	
CLIENT NAME:	MERCHANT BUILDERS
PROJECT NAME:	POST STREET

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A2



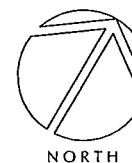
3 ROOF PLAN
SCALE: 1/8"=1'-0"

2 MAIN FLOOR PLAN
SCALE: 1/8"=1'-0"

1 BASEMENT FLOOR PLAN
SCALE: 1/8"=1'-0"

ACCESSIBILITY NOTES

- (A) ALL ACCESSIBILITY REQUIREMENTS SHOULD BE IN ACCORDANCE WITH THE 2001 C.B.C.
- (B) ALL ACCESSIBLE PATHS SHALL HAVE A 5% MAXIMUM SLOPE IN THE DIRECTION OF TRAVEL, 2% MAXIMUM CROSS SLOPE, 1/2" MAXIMUM ABRUPT CHANGE IN ELEVATION AND A MINIMUM WIDTH OF 48"
- (C) ALL ACCESSIBLE DOOR THRESHOLDS SHALL BE 1/2" MAXIMUM, SEE 4/A7.1
- (D) 36" WIDE CONTINUOUS DETECTABLE WARNINGS SHALL BE PROVIDED WHERE AN ACCESSIBLE PATH CROSSES OR ADJOINS A VEHICULAR WAY OR POTENTIAL HAZARD
- (E) THE TWO ACCESSIBLE BUILDING ENTRANCES SHALL BE PROVIDED A MINIMUM OF ONE INTERNATIONAL SYMBOL OF ACCESSIBILITY PER C.B.C. 11178.3, PROVIDE ADDITIONAL ADDITIONAL SIGNAGE ALONG THE SOUTH SIDE OF THE BUILDING FROM THE ACCESSIBLE PARKING SPACE





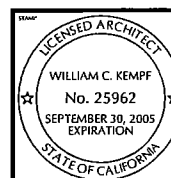
BUILDING RENOVATION & TENANT IMPROVEMENT FOR

SMOKE

JIMON L
154 POST STREET, SAN JOSE, CALIFORNIA

EXISTING FLOOR AND DEMOLITION PLANS

DRAWING DATE:	JULY 30, 2004
CONSTRUCTION RELEASE	
CLIENT NAME:	MERCHANT BUILD
PROJECT NAME:	POST STREET

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F

A3



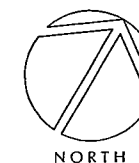
EXISTING BASEMENT

SCALE: 1/4"=1'-0"



EXISTING MAIN FLOOR

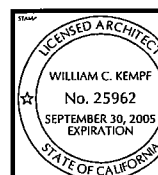
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BUILDING RENOVATION & TENANT IMPROVEMENT FOR
S M O K E
154 POST STREET, SAN JOSE, CALIFORNIA
FLOOR PLANS

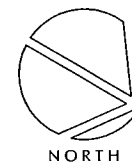
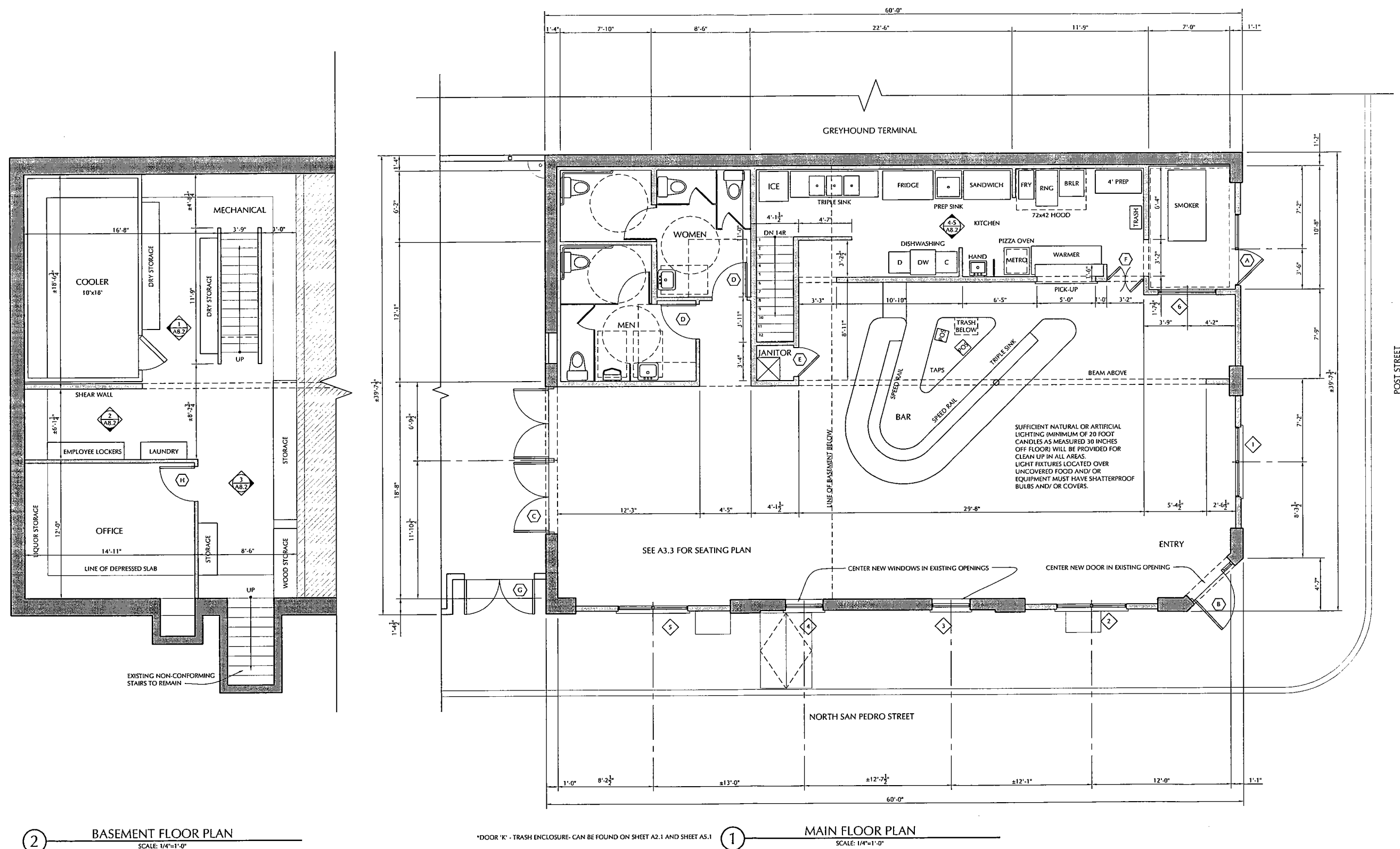
DRAWING DATE:	JULY 30, 2004
CONSTRUCTION RELEASE	
CLIENT NAME:	MERCHANT BUILDERS
PROJECT NAME:	POST STREET

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A4



SHEET NOTES

1. ALL FOOD MENU ITEMS SHALL BE FROM AN INSPECTED AND APPROVED SOURCE
2. RAW MEATS, POULTRY, AND SEAFOOD SHALL BE SEPARATED FROM COOKED/ READY TO EAT FOODS TO PREVENT CROSS-CONTAMINATION
3. WALK-IN COOLER SHALL BE A CUSTOM UNIT MANUFACTURED BY KOOL-PAK, FLOOR OF WALK-IN SHALL BE SAME AS KITCHEN FLOOR TILE

KEY	DESCRIPTION	MAKE AND MODEL	NOTES	KEY	DESCRIPTION	MAKE AND MODEL	NOTES
1	WOOD BURNING SMOKER	SOUTHERN PRIDE SPK-280-SL	HOOD REQUIRED	18	24"x24" MOP SINK		
2	SINGLE OVEN RANGE	WOLF CHR-4-18	HOOD REQUIRED	19	4" PREP TABLE	ADVANCE TABCO ELAC-244	
3	GAS CHAR-BROILER	VULCAN VCB825	HOOD REQUIRED	20	PAPER TOWEL DISPENSER & WASTE RECEPTACLE	BOBRICK, B-3944	
4	FLOOR MODEL GAS FRYER	VULCAN GR45	HOOD REQUIRED	21	SOAP DISPENSER		
5	72"x42" EXHAUST HOOD	CAPTIVE AIRE		22	PAPER TOWEL DISPENSER		
6	5 COMPARTMENT WARMING TABLE	DUKE AEROHOT E305		23	SPLASH SHIELD		
7	COUNTERTOP PIZZA OVEN WITH LEGS	BAKERS PRIDE P445		24	TOILET TISSUE DISPENSER/ NAPKIN DISPOSAL	BOBRICK, B-3094	
8	TRANSPORT CABINET	METRO TC90 FLAVORHOLD		25	MIRROR		
9	3 COMPARTMENT SINK	ADVANCE TABCO REGALINE 94-3-54-18RL	FLOOR SINK REQUIRED	26	ADA COMPLIANT RAILS		
10	PREP SINK	ADVANCE TABCO REGALINE 94-1-24	FLOOR SINK REQUIRED	27	STORAGE LOCKERS		
11	REFRIGERATOR/FREEZER	SUPERIOR DUAL TEMP 2-E-725	FLOOR SINK REQUIRED - 23/23 CU.FT.	28	TOILET TISSUE DISPENSER	BOBRICK, B-3474	
12	SANDWICH TABLE	TRUE TSSU-48-12	FLOOR SINK REQUIRED - 12 CU.FT.	29	TOILET TISSUE DISPENSER	BOBRICK, B-3888	
13	HANDWASH SINK	ADVANCE TABCO 7-PS-60		30	PRIVACY SCREEN		
14	ICE MAKER & STORAGE BIN	ICE-O-MATIC ICE0250 & B55	FLOOR SINK REQUIRED	31	6'-0" TALL INDUSTRIAL SHELVING UNIT		
15	DISHWASHER	HOBART LT-1	FLOOR SINK REQUIRED	32	6'-0" INDUSTRIAL SHELVES W/ LAUNDRY BSCTS		
16	3 COMPARTMENT BAR SINK	SLIMLINE SLB-53C		33	5'-0" TALL INDUSTRIAL SHELVING UNIT		
17	10"x18" CUSTOM WALK-IN COOLER	KOOL-PAK (CUSTOM) SEE NOTE #3	FLOOR SINK REQUIRED - 1,082 CU.FT.	34	6'-0" TALL INDUSTRIAL SHELVING UNIT		

SHEET NOTES

FE FIRE EXTINGUISHER LOCATION, PROVIDE RECESSED WALL CABINET, ONE HOUR RATED CABINET AT RATED WALLS

FIRE EXTINGUISHER NOTES:
THE KITCHEN FIRE EXTINGUISHER MUST BE A "K" TYPE FIRE EXTINGUISHER, ALL FIRE EXTINGUISHERS MUST BE 2A:10BC OR LARGER

SEATING NOTE:
PROVIDE A 44" MIN. WIDTH AISLE BETWEEN TABLES WHEN SERVING TO BOTH SIDES AND 36" MIN. WIDTH AISLE WHEN ONLY SERVING TO ONLY ONE SIDE

EXHAUST HOOD NOTE:
PLANS AND SPECIFICATIONS FOR THE HOOD AND DUCT EXTINGUISHING SYSTEM SHALL BE SUBMITTED TO THE CITY OF SAN JOSE FIRE DEPARTMENT UNDER SEPARATE COVER FOR APPROVAL AND PERMITS PRIOR TO BEGINNING INSTALLATION. ANY REFERENCE TO THE HOOD AND DUCT EXTINGUISHING SYSTEM OR THE AUTOMATIC FIRE SPRINKLERS ON THESE PLANS IS FOR REFERENCE ONLY.

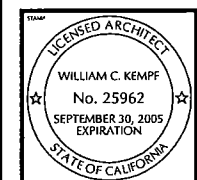
THE JOB COPIES OF THE BUILDING AND FIRE SYSTEM PLANS AND PERMITS MUST BE ON-SITE DURING INSPECTIONS

PROVIDE ACCESSIBLE REST ROOM SIGNAGE PER C.B.C. 1117B.5



BUILDING RENOVATION & TENANT IMPROVEMENT FOR
S M O K E
154 POST STREET, SAN JOSE, CALIFORNIA
EQUIPMENT & SEATING PLANS

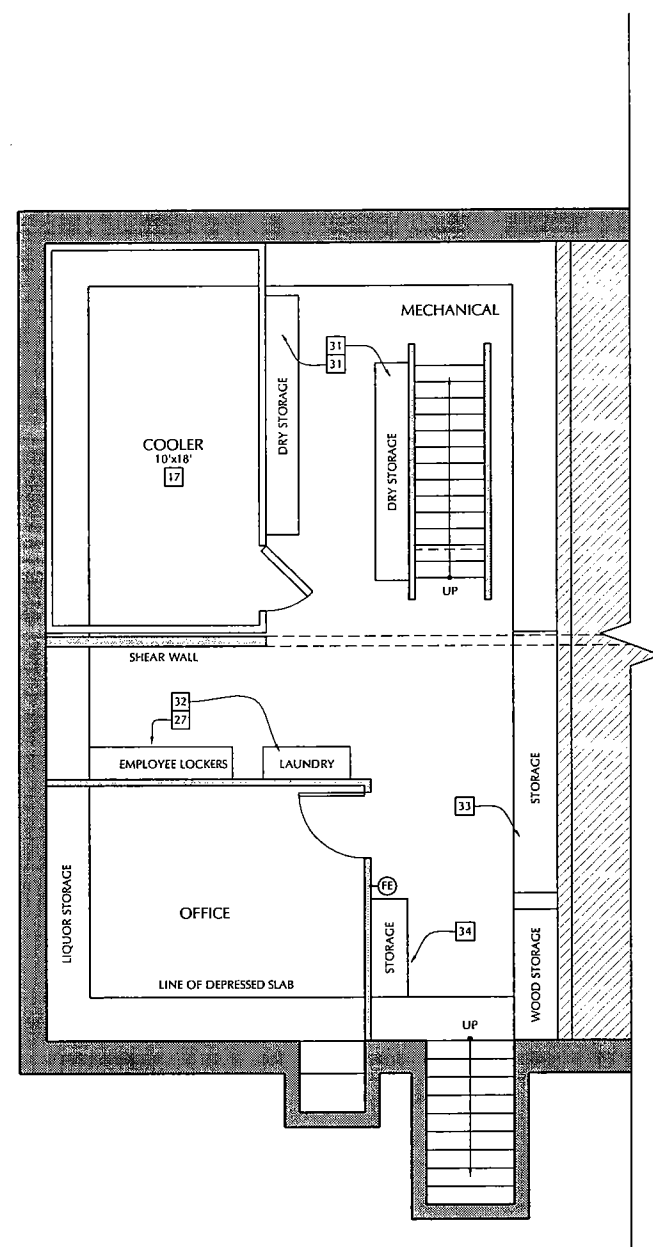
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CONSTRUCTION RELEASE:	
CLIENT NAME:	MERCHANT BUILDERS
PROJECT NAME:	POST STREET

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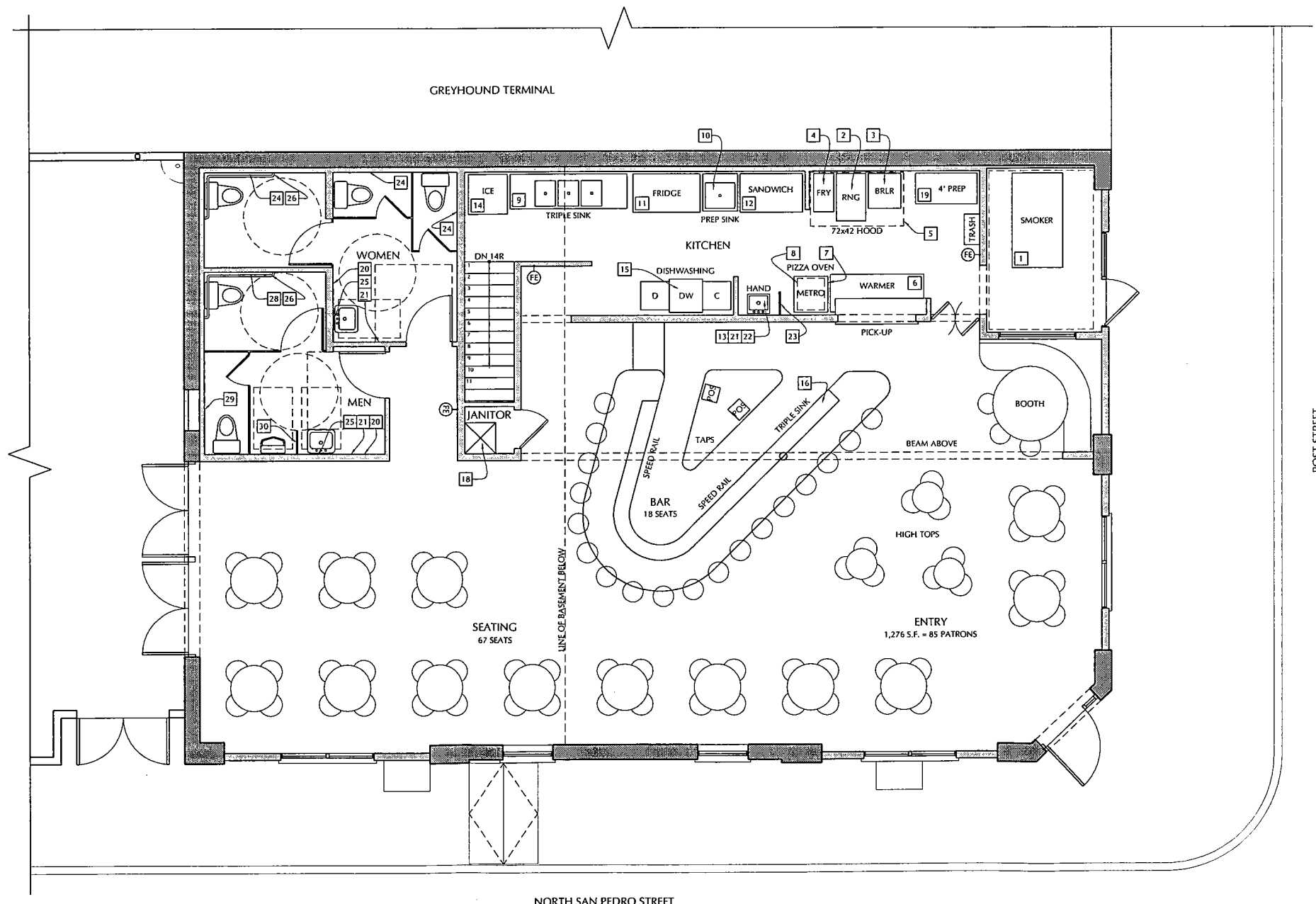
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A5



2 BASEMENT FLOOR PLAN
SCALE: 1/4"=1'-0"



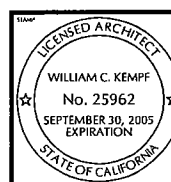
1 MAIN FLOOR PLAN
SCALE: 1/4"=1'-0"





BUILDING RENOVATION & TENANT IMPROVEMENT FOR
S M O K E
154 POST STREET, SAN JOSE, CALIFORNIA
PROPOSED EXTERIOR ELEVATIONS

DRAWING DATE:	JULY 30, 2004
CONSTRUCTION RELEASE:	
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A7

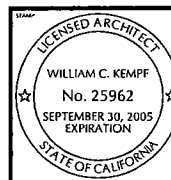


SCALE: 3/16"=1'-0"



BUILDING RENOVATION & TENANT IMPROVEMENT FOR
S M O K E
154 POST STREET, SAN JOSE, CALIFORNIA
BUILDING SECTIONS

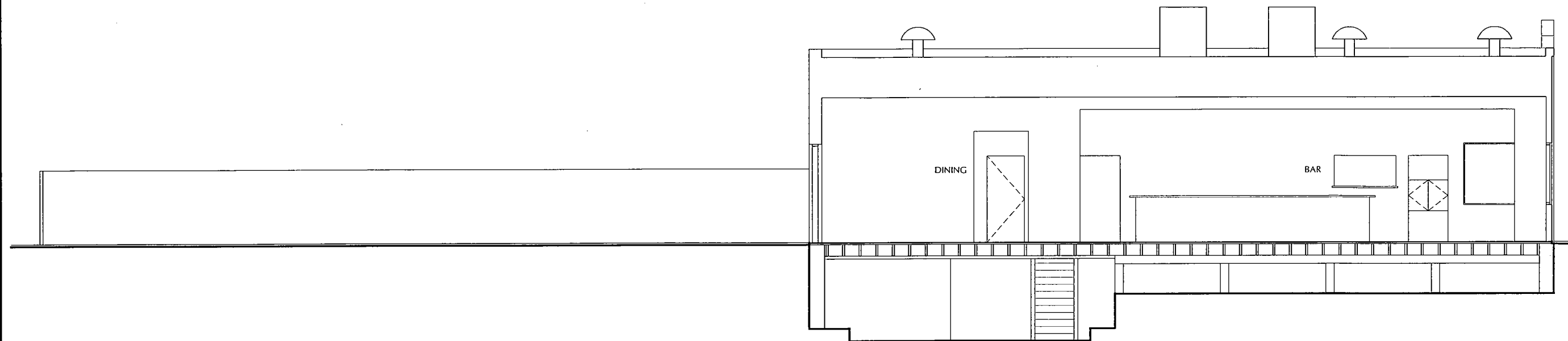
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CONSTRUCTION RELEASE:	
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PROJECT NAME:	POST STREET

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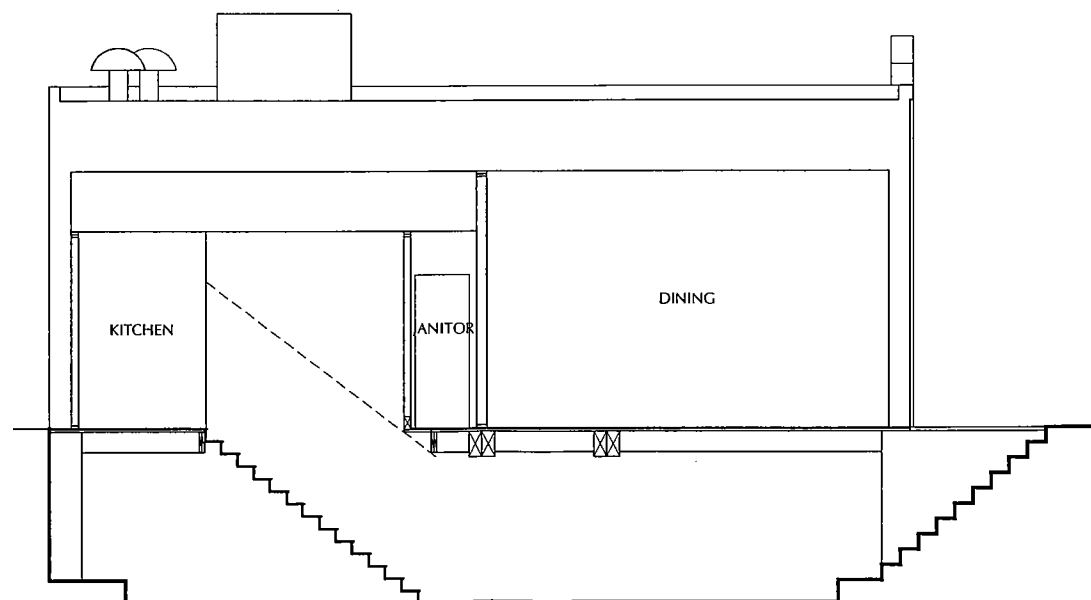
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A8



1 BUILDING SECTION
SCALE: 1/4"=1'-0"



1 BUILDING SECTION
SCALE: 1/4"=1'-0"